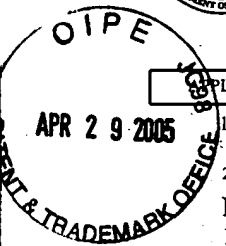


BJS 117-501



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/805,311 03/22/2004 John Hermon-Taylor  
23117 7590 04/20/2005

NIXON & VANDERHYE, PC  
1100 N GLEBE ROAD  
8TH FLOOR  
ARLINGTON, VA 22201-4714

117-501 9576

EXAMINER

ZEMAN, ROBERT A

ART UNIT

PAPER NUMBER

1645

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED 1mo

CLT/MATTER # 117-501  
MAIL DATE 4/20/05  
DUE DATE May 20, 2005  
FINAL DEADLINE Oct 20, 2005  
DOCKETED BY Tm/ [signature]



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APPLICATION NO./CONTROL NO. <b>10/805,311</b>	FILING DATE	FIRST NAMED INVENTOR /PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER	
<b>Robert A. Zeman</b>	
ART UNIT	PAPER

**1645**

DATE MAILED:

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Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Robert A. Zeman** whose telephone number is (571) 272-0866.

APR 29 2005

Application No.: 10/805,311

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a ☐Sequence Listing☐ as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the ☐Sequence Listing☐ in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the ☐Sequence Listing☐ in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up ☐Raw Sequence Listing☐.
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the ☐Sequence Listing☐ is not the same as the computer readable form of the ☐Sequence Listing☐ as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: the sequence listing of record does not properly list the Application number and prior application numbers. See MPEP 2424.02.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the ☐Sequence Listing☐.
- ☒ An initial or substitute paper copy of the ☐Sequence Listing☐, as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

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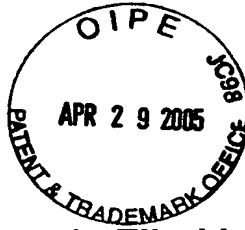
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## **2422.05 Reference to Previously Filed Identical Computer Readable Form; Continuing or Derivative Applications; Request for Transfer of Computer Readable Form - 2400 Biotechnology**

### **2422.05 Reference to Previously Filed Identical Computer Readable Form; Continuing or Derivative Applications; Request for Transfer of Computer Readable Form**







The last three sentences of **37 CFR 1.821(e)** set forth the procedure to be followed when a computer readable form of a given application is identical with a computer readable form of another application. In that situation, an applicant may make reference to the other application and computer readable form therein in lieu of filing a duplicate computer readable form in the given application. That is, additional computer readable forms will not be required in derivative or continuing applications if the sequence information is exactly the same, i.e., with no additions or deletions, as that in a parent or previously filed application in which a complying computer readable form had been filed. If sequence information is deleted from or added to that submitted in a previously filed application, the procedure in this paragraph is not available and a new computer readable form is required. To take advantage of the procedure outlined in this section, applicants must request that the previously submitted sequence information be used in the given application. A letter must be submitted in the given application requesting use of the previously filed sequence information. The letter must completely identify the other application, by application number, and the computer readable form, by indicating whether it was the only computer readable form filed in that application or whether it was the second, or subsequent, computer readable form filed.

A sample letter requesting transfer of the previously filed sequence information is set forth below:

The paper or compact disc copy of the Sequence Listing in this application [application number], is identical to the computer readable copy of the Sequence Listing filed in application [application number], filed [date]. In accordance with **37 CFR 1.821(e)**, please use the [first-filed, last-filed or only, whichever is applicable] computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper or compact disc copy of the Sequence Listing is [included in

the originally-filed specification of the instant application, included in a separately filed preliminary amendment for incorporation into the specification, whichever is applicable].

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

HERMON-TAYLOR et al.

Serial No. Div. of 09/705,911

Filed: March 22, 2004



Atty. Ref.: 117-501

Group: Unassigned

Examiner: Unassigned

For: NOVEL POLYNUCLEOTIDES AND POLYPEPTIDES IN PATHOGENIC  
MYCOBACTERIA AND THEIR USE AS DIAGNOSTICS, VACCINES AND  
TARGETS FOR CHEMOTHERAPY

\* \* \* \* \*

March 22, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

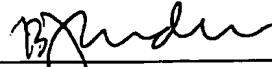
**REQUEST**

The Office is requested to use the computer readable form of the Sequence Listing filed November 6, 2000 in the parent application Serial No. 09/705,911 for the present application. The attached paper copy of the Sequence Listing is the same as the paper and computer readable copies of the Sequence Listing filed November 6, 2000 in the parent application Serial No. 09/705,911. No new matter has been added. The Office is requested to advise the undersigned in the event anything further is requested in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: \_\_\_\_\_



B. J. Sadoff  
Reg. No. 36,663

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Arlington, VA 22201-4714  
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